

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 14540, of Pierre Chauvet, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 5303.1), the width and area of the closed court requirements (Sub-section 5305.2), the lot occupancy requirements (Sub-section 5302.1) and from the prohibition against allowing an addition to a nonconforming structure which will extend the nonconforming court (Paragraph 7105.12) for a proposed residential room addition to a building housing one residential dwelling unit and a restaurant in a C-2-B District at premises 2429 18th Street, N.W., (Square 2560, Lot 96).

HEARING DATE: January 21, 1987

DECISION DATE: February 4, 1987

FINDINGS OF FACT:

1. The site, known as premises 2429 - 18th Street, N.W. is located on the east side of 18th Street. The site is in the C-2-B District.

2. The site is rectangular in shape with a frontage of 17.50 along 18th Street, N.W. and a depth of 61 feet. A 16 foot wide public alley is located to the rear of the site. The site is improved with a two-story with a partial third story brick structure housing one residential dwelling unit and a restaurant. The structure was constructed circa 1930 prior to May 12, 1958 the effective date of the current Zoning Regulations. On that date the structure became nonconforming with regard to the area and width of the closed court provided.

3. The C-2-B District extends to the north, south and west of the site. A C-M-2 District is located to the east of the site.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking variances from the rear yard requirements (Sub-section 5303.1), the width and area of the closed court requirements (Sub-section 5305.2) the lot occupancy requirements (Sub-section 5302.1) and from the prohibition against allowing an addition to a nonconforming structure which will extend the nonconforming court (Paragraph 7105.12) to construct a proposed residential room addition to the building.

5. The owner of the building operates the restaurant located on the first floor of the structure and occupies the apartment located on the second floor of the structure. The residential use also extends to the partial third floor. The addition would not expand the first floor restaurant use or the third floor residential use.

6. The addition will be constructed directly over top of an existing parapet wall, which is the roof structure of part of the building at the rear of the lot.

7. The addition is intended to provide more living space for the owner and his family.

8. Presently there is only a small living room at the front of the dwelling with a bedroom, bath, kitchen, and dining room in succession to the rear of the dwelling. The dining room has an exit to an outdoor patio with an eight foot fence surrounding it on three sides.

9. The room addition which is intended to serve as a family room is to take the place of this patio. The patio is not used as it is located adjacent to the air conditioning system.

10. The third floor has too small bedrooms and a bath. The roof of the remaining building carries the mechanical equipment of the dwelling. It would be considerably more difficult and expensive to build on the third floor of this dwelling.

11. The applicant is unable to build in the front of the dwelling and to either side, the only reasonable approach is to build in the rear of the lot abutting the public alley.

12. The roof area that will be covered by the addition has been creating water problems for the structure and would have to be rebuilt. The location of the proposed addition would solve the water problems.

13. Advisory Neighborhood Commission (ANC) 1C filed no report on the application.

14. There was no opposition to the application at the public hearing or record.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon

the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section of the Zoning Regulations 5303.1 requires that the site provide a rear yard of 15 feet. The addition will provide a rear yard of 9 feet necessitating a variance of 6 feet, or 40 percent. Sub-section 5305.2 requires a closed court width of 12.67 feet and an area of 350 square feet. The court will have a width of 3.5 feet and an area of 90 square feet necessitating a variance of 9.17 feet, or 72.37 percent, and 254 square feet or 72.57 percent, respectively. Sub-section 5302.1 allows an 80 percent maximum lot occupancy of 80 percent. The proposed addition will result in a total residential lot occupancy of 1,551.25 square feet, or 95.11 percent, necessitating a variance of 243.25 square feet or 18.89 percent. Paragraph 7105.12 prohibits an addition to a nonconforming structure which will extend the non-conformity. The addition will extend the nonconforming closed court.


The Board concludes that the applicants have met their burden of proof. The site is affected by unique conditions. The structure is located in a commercial district but is used partially for residential use. The structure was constructed prior to the effective date of the current Zoning Regulations and is nonconforming with respect to the closed court width and area.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The addition will have no negative impact on adjacent properties. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; John G. Parsons to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: APR 3 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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